



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

Mayor and City Council Regular Session Minutes City Hall - Council Chambers Monday, June 17, 2013

A Mayor and City Council Regular Session was called to order with Mayor Katz presiding. Council Members present: Jud Ashman, Cathy Drzyzgula, Henry F. Marraffa, Michael Sesma, and Ryan Spiegel. Staff present: City Manager Tomasello, City Attorney Board, Economic Development Director Lonergan, Director of Public Works Arnoult, Director of Planning and Code Administration Schlichting, Director of Community and Public Relations Monaco, Lead Planner Robinson, Community Planning Director Schwarz, Planner Seiden, Administrative Assistant III DeVore, Community Services Division Chief Herndon, and Municipal Clerk Stokes.

I. CALL TO ORDER

The session was called to order at 7:30 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge was led by Jaronn DeVore, son of employee Sharon DeVore.

III. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

IV. APPROVAL OF MINUTES

A. Regular Session Held May 20, 2013

Motion was made by Jud Ashman, seconded by Henry F. Marraffa, that minutes of the Regular Session held May 20, 2013, be approved.

Vote: 5-0

B. Work Session Held May 28, 2013

Motion was made by Cathy Drzyzgula, seconded by Ryan Spiegel, that minutes of a Work Session held May 28, 2013, be approved.

Vote: 5-0

V. CONSENT**A. Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract for Construction Services for the Public Works Concrete Columns Repair Project**

This resolution authorized the City Manager to award a contract for construction services for the Public Works Concrete Columns Repair Project to J.G. Garcete Company, Inc., 4321 Baltimore Avenue, Suite 201, Bladensburg, Maryland 20710, in the amount of Twenty-Nine Thousand Five Hundred Dollars (\$29,500), with an additional contingency of Four Thousand Four Hundred Twenty-Five Dollars (\$4,425), for a total of Thirty-Three Thousand Nine Hundred Twenty-Five Dollars (\$33,925); said funds to be expended from the Facilities Management Budget.

Motion was made by Henry F. Marraffa, seconded by Jud Ashman, that Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract for Construction Services for the Public Works Concrete Columns Repair Project (Resolution No. R-40-13), be approved.

Vote: 5-0

B. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Development of a Watershed Plan for the Lower Great Seneca Creek Watershed.

This resolution authorized the City Manager to award a contract to URS Corporation, 12420 Milestone Center Drive, Suite 150, Germantown, Maryland 20876, to develop a watershed plan for the Lower Great Seneca Creek Watershed in the amount of Ninety-Four Thousand Seven Hundred Fifty-Two Dollars (\$94,752); said funds to be expended from the Operating Budget.

Motion was made by Henry F. Marraffa, seconded by Jud Ashman, that a Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Development of a Watershed Plan for the Lower Great Seneca Creek Watershed. (Resolution No. R-41-13), be approved.

Vote: 5-0

C. Resolution of the Mayor and Council Authorizing the City Manager to Award a Contract for the Olde Towne Parking Garage Joint Sealant Replacement Project

This resolution authorized the City Manager to award a contract for construction services for the Olde Towne Parking Garage Joint Sealant Replacement Project to Eastern Waterproofing & Restoration Co., Inc., 7175 Montevideo Road, Jessup, Maryland 20794, in the amount of Forty-Nine Thousand Nine Hundred Sixty-Eight Dollars (\$49,968), with an additional contingency of Seven Thousand Five Hundred Dollars (\$7,500), for a total of Fifty-Seven Thousand Four Hundred Sixty-Eight Dollars (\$57,468); said funds to be expended from the Capital Improvements Budget.

Motion was made by Henry F. Marraffa, seconded by Jud Ashman, that a Resolution of the Mayor and Council Authorizing the City Manager to Award a Contract for the Olde Towne Parking Garage Joint Sealant Replacement Project (Resolution No. R-42-13), be approved.

Vote: 5-0

D. Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract for Professional Painting Services for Various City Facilities

This resolution authorized the City Manager to award a contract for professional painting services to EARN Contractors, Inc., 26 North Summit Avenue, Gaithersburg, Maryland 20877, in an amount not to exceed Sixty Thousand Dollars (\$60,000); said funds to be expended from the Operating Budget.

Motion was made by Henry F. Marraffa, seconded by Jud Ashman, that Resolution of the Mayor and City Council Authorizing the City Manager to Award a Contract for Professional Painting Services for Various City Facilities (Resolution No. R-43-13), be approved.

Vote: 5-0

VI. APPOINTMENTS

A. Resolution of the City Council Confirming an Appointment and Reappointments by the Mayor to the Community Advisory Committee, Economic and Business Development Committee, Police Advisory Committee and Senior Advisory Committee

This resolution confirmed the following reappointments and appointment to the: Community Advisory Committee, Sabrina Rivers (reappointment), 405 Whitcliff Court, Gaithersburg, Maryland 20878, two-year term; Economic and Business Development Committee, Tracie Seward (reappointment), 234 North Summit Avenue, Gaithersburg, Maryland 20877, three-year term; Police Advisory Committee, Mike Janis (reappointment), 31 Booth Street, Unit 351, Gaithersburg, Maryland 20878, two-year term; and the Senior Advisory Committee, Marcia Robins (reappointment), 488 Market Street East, Gaithersburg, Maryland 20878, and Lisa Stacy (appointment), 14020 Turkey Foot Road, Gaithersburg, Maryland 20878, two-year terms.

Motion was made by Michael Sesma, seconded by Cathy Drzyzgula, that a Resolution of the City Council Confirming an Appointment and Reappointments by the Mayor to the Community Advisory Committee, Economic and Business Development Committee, Police Advisory Committee and Senior Advisory Committee (Resolution No. R-44-13), be approved.

Vote: 5-0

VII. OATH OF OFFICE**A. Oath of Office to Animal Control Board Member**

Mayor Katz administered the oath of office to Victor Katz to execute the office of the Animal Control Board as Full Time Veterinarian, according to the United States and Maryland Constitutions, the Laws of this State and the Gaithersburg City Charter and Code.

VIII. PRESENTATIONS**A. 2013 First Quarter Employee Recognition Awards**

City Manager Tomasello joined Mayor Katz and Public Works Director Arnoult at the podium to congratulate and present the Employee Recognition Award for the First Quarter, January 1, 2013 – March 31, 2013 to Sharon DeVore. She is an Administrative Assistant III, Department of Public Works, was nominated for her exceptionally high levels of productivity, working above and beyond her duties, and for providing exceptional customer service to both external and internal customers. Sharon works in the Facilities Management Division of Public Works and is a tremendous asset to the Division and Department.

B. Presentation on Parking Requirements

Planner Seiden joined by Community Planning Director Schwarz updated the Mayor and City Council on staff's progress regarding the 2013 Strategic Direction action item on parking in the City of Gaithersburg. Staff re-evaluate the City's current parking and researched nearby jurisdictions and industry standards. Trends affecting parking demands were identified and current ratios and comparisons were provided for discussion. Planning staff plan to reach out to various City committees for their input, take the matter before the Planning Commission, and report back to the Mayor and City Council during a joint work session to further discuss parking demands, make recommendations for implementing, and incorporate the best practices for parking requirements and parking waivers into the City's Zoning Ordinance and Development procedures.

IX. PUBLIC COMMENTS

There were no speakers from the public.

X. FROM THE MAYOR AND CITY COUNCIL**A. Announcements****Mike Sesma**

1. Announced that the Mayor and City Council are seeking a member to fill two (2) vacancies on the Animal Control Board; one (1) Business Community position and one (1) Alternate Veterinarian position. Resumes and letters of interest should be submitted via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: cityhall@gaitthersburgmd.gov. These positions will remain open until filled. For more information visit the City's web site or contact Animal Control Director Lisa Holland at 301-258-6343.
2. Offered congratulation to Sharon DeVore on her employee recognition award.
3. Attended the Kentlands K25 kickoff event at the Kentlands Mansion and concert at the Arts Barn.
4. Attended the official tour of the old Gaithersburg High School. Many alumni were in attendance. Bricks will be recovered from the demolition.
5. Attended the opening of Chriswell Field which is now the home of the Gaithersburg Giants, part of the Cal Ripken League.
6. Attended the Transportation Committee meeting and received updates on the pedestrian/bicycle pathways, bike sharing plan and charging stations. Cost was discussed for implementing the options going forward.

Cathy Drzyzgula

1. Attended the Metropolitan Washington Council of Governments Board meeting. Congressman John Delaney gave a presentation on his new major project, The Partnership to Build America. Received a presentation on a plan for Metro, Momentum: Next Generation of America.
2. Wished a Happy Father's Day to all.
3. Reported that she will attend the Maryland Municipal League Annual Conference in Ocean City, Maryland.

Henry Marraffa

1. Wished Happy Father's Day to all.
2. Congratulated the area students who graduated this year.
3. Attended an Evening of Opera at the City Hall Pavilion. Expressed his concerns with the audio equipment during the event.
4. Attended the Kentlands K25 celebration.
5. Plan to attend the MML Conference in Ocean City, Maryland.
6. Plan to attend the National League of Cities Conference following the MML Conference.

Ryan Spiegel

1. Announced that the Mayor and City Council are seeking to fill two (2) vacancies on the Commission of Landlord-Tenant Affairs; one (1) full time tenant representative and one (1) alternate tenant. All applicants must reside within the corporate City limits. Resumes and letters of interest should be submitted via U.S. Mail to: Mayor and City Council, 31 South Summit Avenue, Gaithersburg, Maryland 20877, or send via email to: cityhall@gaitHERSBURGMD.GOV. These positions will remain open until filled. For more information visit the City's website or contact Neighborhood Services Director Kevin Roman at 301-258-6340.
2. Attended the Kentlands K25 kickoff event to celebrate the milestone.
3. Happy Father's Day to all.
4. Attended the Montgomery County Chamber of Commerce dinner.
5. Attended the Jewish Community Relations Council of Greater Washington annual dinner.
6. Mentioned several upcoming events throughout the region that will provide opportunities for the City to be highlighted.
7. Announced that the Kentlands Community Foundation annual meeting will be held on June 20th.
8. Plan to attend the MML Conference.

Jud Ashman

1. Reported that the Gaithersburg Police Foundation will host a golf event at the Montgomery Village Golf Club on September 23, 2013. More information can be found at www.gaithersburgpolicefoundation.com.

Mayor Katz

1. Requested the following:

Motion was made by Spiegel, seconded by Ashman, that the Mayor and City Council conduct a closed executive session immediately following its regularly scheduled meeting on Monday, June 17, 2013 at City Hall. The meeting is proposed to be closed pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(4) to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State. The topic to be discussed is the funding and relocation of an establishment and/or expansion of a local business.

2. Informed the public that the Mayor and City Council will not conduct a work session on Monday, June 24, 2013.
3. The next regular meeting of the Mayor and City Council will be held on Monday, July 1, 2013, 7:30 p.m., at City Hall.

XI. FROM CITY MANAGER TOMASELLO

1. Asked Planning and Code Administration Director Schlichting to provide an update on the all-day meeting he attended on June 14th with the Washington Suburban Sanitary Commission (WSSC) Large Diameter Water Main Committee. Informed the City Council that progress will be slow with monthly meetings taking place over the next six (6) months and a final report anticipated in February, 2014. He mentioned the Crown Development, Neighborhood 3, and its impact of WSSC's timeline for their main pipe lines (concrete and iron). He referred to the letter dated March 2013 to Nancy Navarro. During the meeting, the committee laid the ground work for the process and decided on the schedule for meetings. Lead Planner Robinson expressed concern with WSSC's timeline to allow the plan to go forward with pending approvals.
2. Mentioned the Giants are playing for 1st place tonight. Received a suggestion to install a flagpole and have the City's Public Information document the 22 home games.
3. Referred to the deterioration of the 200 year old Smoke House. The City budgeted for the study, but renovation cost need to be discussed. It was suggested to schedule a work session in August.

XII. ECONOMIC DEVELOPMENT UPDATE**Economic Development Director Lonergan**

1. Reported that Manhattan Pizza will arrive in Olde Towne Gaithersburg, assisted by funds from the Economic Toolbox Grant. The establishment will open in a couple of weeks.
2. Announced Evenings in Olde Towne Gaithersburg, a new series of concerts to be held at the City Hall Pavilion on select Thursday evenings between June and October 2013. The first show is scheduled for June 27th at 5 p.m.
3. Reported that office vacancy rates have decreased.

XIII. POLICY DISCUSSION

- A. **SDP-1842-2013 CROWN 2/2 - The applicant requests approval of the schematic development plan, SDP-1842-2013, per annexation X-182 and Sketch Plan Z-315, located in the Crown Property Neighborhood 1 (Outlot B, Block C) in Gaithersburg, Maryland. The subject application proposes the conversion of a multi-family building to 70 2-over-2 condominium units.**

Lead Planner Robinson presented the 2/2 units for the Neighborhood 1 of the Crown development. To deal with the secondary access point and not a driveway, forest conservation will have to be dealt with. The proposed plan was amended with no units or on-street parking loss. Sated that units were realigned, the pocket green area increased and connectivity was improved.

Supplementary Design Guidelines were also submitted as part of this SDP application. The guidelines will amend the Design Guidelines approved for Neighborhoods 1 and 2 to specifically address 2-over-2 design and the vision for the pocket green. The proposed plan has been amended to address comments received at both the joint public hearing and the Planning Commission recommendation. A joint public hearing was held April 15, 2013. The Planning Commission recommended approval of SDP-1842-2013 with two conditions during

their May 15, 2013 meeting. The Mayor and Council's record closed at 5 p.m. on May 23, 2013.

Motion was made by Michael Sesma, seconded by Ryan Spiegel, that a Resolution of the Mayor and City Council of Gaithersburg Granting Approval of Schematic Development Plan SDP-1842-2013, Known as the Crown Property Neighborhood One Two-Over-Two Development, for Approximately 2.35 Acres of Property Zoned Mixed Use Development (Resolution No. R-45-13), be approved.

Vote: 5-0

B. An Emergency Ordinance to Amend Chapter 2 of the City Code Entitled "Administration," Article II Entitled "Municipal-County Relations," Section 2-6 Entitled "Exemption from Montgomery County Legislation and Regulations With the City" so as to Delete the Provisions of Chapters 16 and 19 of the Montgomery County Code Entitled "Elections" and "Erosion, Sediment Control and Storm Water Management", Respectively, as Being Applicable and Enforceable Within the City

City Attorney Board presented the above emergency ordinance. No comments had been received in the record. On June 3, 2013, the Mayor and City Council held a public hearing. Staff is proposing to delete the provisions of Chapter 16 of the County Code from applicability within the City as the provisions in the County Code establish County election districts, referendum petition procedures, Charter referendum procedures and special election procedures when there is a council vacancy. The City currently regulates all of these areas either through the Charter or Article 23A of the Annotated Code of Maryland and the County provisions conflict with current City laws. Staff is also proposing to delete the provisions of Chapter 19 of the County Code from applicability within the City as Chapter 19-35 establishes the County water quality protection charge. The City has included its own water quality protection charge in the FY'14 Fee Schedule and will be pursuing a study to recommend a future rate structure for the City. Deletion of the County Code provisions will allow the City to collect the past fee until such time as a new fee structure is developed.

Motion was made by Ryan Spiegel, seconded by Cathy Drzyzgula, that an Emergency Ordinance to Amend Chapter 2 of the City Code Entitled "Administration," Article II Entitled "Municipal-County Relations," Section 2-6 Entitled "Exemption from Montgomery County Legislation and Regulations With the City" so as to Delete the Provisions of Chapters 16 and 19 of the Montgomery County Code Entitled "Elections" and "Erosion, Sediment Control and Storm Water Management", Respectively, as Being Applicable and Enforceable Within the City (Ordinance No. O-6-13), be approved.

Vote: 5-0

XIV. STAFF GUIDANCE**A. Opportunity Grant Recommendation for Family Services, Inc.**

Community Services Division Chief Herndon presented the recommendation for a grant opportunity for Family Services, Inc., in the amount of \$12,000 for the purchase of computer equipment at their facility/lab. It was confirmed that the current computers are outdated. In the FY13 budget, up to \$50,000 was authorized to provide grants to nonprofit organizations for program(s)/service(s) that are new, innovative, and/or address emerging needs or special opportunities for City of Gaithersburg residents. The Community Advisory Committee (CAC) received 11 applications for FY 13 from 10 Gaithersburg nonprofits. The CAC is recommending funding in the amount of \$12,000 to Family Services, to create a state of the art Computer Lab for the Bohrer Parent Resource Center located at Gaithersburg Elementary School. This funding will allow for the purchase and set up of 12 computer workstations, 12 headsets with microphone, one (1) projector and four (4) printers. In addition, 10 computer tables with keyboard trays will be purchased.

Motion was made by Cathy Drzyzgula, seconded by Ryan Spiegel, that the above Opportunity Grant Recommendation for Family Services, Inc., be approved.

Vote: 5-0

XV. FROM THE CITY ATTORNEY / OTHER STAFF

No additional report from the City Attorney or other staff

XVI. CORRESPONDENCE

- A. From Staff - None to Date**
- B. From Outside**

XVII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at approximately 8:44 p.m.